

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

JASON R. C. WHIBBEY, )  
v. )  
Plaintiff, )  
Case No. CIV-12-211-D  
CAROLYN W. COLVIN, )  
Acting Commissioner of the Social )  
Security Administration, )  
Defendant. )

## **JUDGMENT AND ORDER OF REMAND**

Upon review of the file, and noting no timely objection to the findings and recommendations of United States Magistrate Judge Shon T. Erwin issued pursuant to 28 U.S.C. § 636(b)(1), the Court adopts the Report and Recommendation [Doc. No. 14] in its entirety. For the reasons stated therein, the Court enters judgment reversing the decision of the Commissioner pursuant to 42 U.S.C. § 405(g), and remanding the case for further administrative proceedings, consistent with the Report and Recommendation, regarding any pertinent issues, which may include: whether Plaintiff has an impairment that meets or equals the criteria set forth in Listing 8.04 of 20 C.F.R. Part 404, Subpart P, Appendix 1; the combined effects of Plaintiff's obesity and other severe impairments; and the credibility of Plaintiff's testimony regarding subjective complaints of pain or other symptoms.

Entered this 10<sup>th</sup> day of July, 2013.

Willy R. Rehbein

TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE